

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WALTER H. HOLLOWAY,

Plaintiff,

vs.

UNITED STATES PARKS/HUMANE  
SOCIETIES,

Defendant.

**8:22CV48**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Filing 21, which was received on September 6, 2022, and docketed as a motion. This case was dismissed without prejudice on April 5, 2022, for failure to comply with the court's order that Plaintiff sign the complaint. Liberally construing Filing 21 as a motion to re-open the case, it will be denied.

Rule 60(b) allows a party to seek relief from a final judgment, and request reopening of his case, under a limited set of circumstances including fraud, mistake, and newly discovered evidence. *Gonzalez v. Crosby*, 545 U.S. 524, 528 (2005). Rule 60(b)(6) permits reopening when the movant shows "any ... reason justifying relief from the operation of the judgment" other than the more specific circumstances set out in Rules 60(b)(1)-(5). *Id.*, at 529. Relief under Rule 60 (b)(6) is available only in extraordinary circumstances. *Buck v. Davis*, 137 S. Ct. 759, 777-78 (2017). Plaintiff has not demonstrated any circumstance which would justify re-opening this case.

IT IS THEREFORE ORDERED that Plaintiff's motion to re-open (Filing 21) is denied.

Dated this 5th day of October, 2022.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge